

REMARKS

Concurrent with this Amendment, Applicants have filed a Request for Continued Examination. Claims 1-32 have been canceled without prejudice. New claims 33-49 have been added. Claims 33-49 are thus currently pending in this application. No new matter has been added by these additions. Applicants have carefully reviewed the positions presented in the Office Action and respectfully request consideration of the new claims in view of the remarks presented below.

Interview Summary

An examiner interview was conducted on May 24, 2004. The purpose of the interview was to clarify the examiner's interpretation of the term "character" with respect to U.S. Patent No. 6,448,980 to *Kumar et al.* and U.S. Patent No. 6,634,949 to *Briggs et al.* as applied in the Office Action. The substance of claim 1 was discussed. Agreement as to the allowability of any of the claims was not reached.

Regarding the term "character," for *Kumar*, the examiner stated that the goods displayed at a site (column 2, lines 2-12) was considered to be a character and that the user's personality (column 2, lines 17-47) was not a character. For *Briggs et al.*, the examiner stated that the information that is made part of a participant's record (column 3, lines 3-42 and column 12, lines 28-42) was considered to be a character and that the letters displayed on an indicium (column 19, lines 48-57) and dream information recorded on a floppy disk (column 17, lines 6-16) were not considered characters and were instead considered user interfaces.

The "creating a character" feature of claim 1 was discussed. The examiner indicated that, as written, the creation of a character may be interpreted as being performed by the system server, independent of the user, and because of that *Kumar et al.* was applied to that feature. The creation of characters, as disclosed in *Briggs et al.*, was discussed. The examiner agreed the *Briggs et al.* does not appear to disclose the display of participant's characters. However, the examiner stated that such display would be inherent in view of the disclosed recording of character data.

Claim Rejections Under 35 U.S.C. §103

Claims 1-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kumar et al.* in view of *Briggs et al.* Claims 1-32 have been canceled.

New independent claims 33, 54 and 58 (and their respective dependent claims) recite the storage of character data and character-attribute data and the linking of character-attribute data with character data. The claims further recite the storage of character-persona data and the linking of such data to the character-attribute data. The character data and linked character-attribute data is used to create an on-line character, while the character-attribute data and linked character-persona data is used to present certain visual image and/or audio presentations. The characters are created in real-time, *i.e.*, upon selection of a character, that character and at least one of the character-attribute data linked to the selected character are presented to the user interface. Upon selection of a character attribute, the selected character including the selected character attribute are presented to the user interface in real time. Once a character and character attribute are selected, character-attribute data is presented to the user interface.

Neither *Kumar et al.* nor *Briggs et al.*, either alone or in combination, teach or suggest the storage of data, the real-time creation and display of on-line characters using such data, and the presentation of additional audio and/or visual image data based on the attributes of the created character, as claimed by the Applicants. In *Kumar et al.*, there is nothing remotely similar to Applicants' claimed character creation. Instead, a user is presented with a screen through which he may make selections with respect to various commercial goods. Based on the user's selections, the system presents other screens to the user through which additional information may be obtained on a selected item. While a selected item may be presented to the user (column 3, lines 55-58), the *Kumar et al.* system does not allow the user to create the presented item. For example, the *Kumar et al.* system does not allow the user to create a car, *e.g.*, select a car make, then select a car model, then select the car color, then select the type of tires, etc. and then present that created car to the user interface.

Briggs et al. discloses an interactive play system in which a player may be associated with a specific character. When a new player begins playing, she enters a programming booth and creates a character. After creation of a character, the system may display a composite of the

character and the character information is stored in the player's record. See column 12, lines 27-42. *Briggs et al.*, however, does not teach real-time character creation, *i.e.*, there is no indication that the character and character attributes are displayed, in real-time, as they are selected. Furthermore, in *Briggs et al.*, there is no presentation of additional audio and/or visual image data (*i.e.*, the claimed "character-persona data") based on the created character. In fact, other than within the programming booth, there is no indication in *Briggs et al.* that the created character, with or without additional audio and/or visual image data, is ever displayed again.

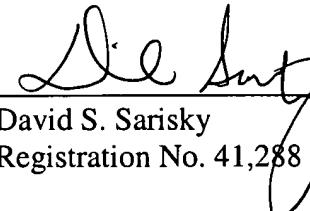
CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, consideration and allowance of Applicants' claims 33-58 are believed to be in order and a Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



David S. Sarisky

Registration No. 41,288

DSS

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

44435.1